

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 BARRY BENJAMIN DOOLEY,

7 Defendant.

Case No. 2:14-cr-00398-LDG-GWF-1

FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER

9
10 FINDINGS OF FACT

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
12 Court finds that:

13 1. Defendant Barry Dooley currently has an appeal pending in the Ninth Circuit
14 Court of Appeals. *See United States v. Dooley*, Ninth Circuit Court of Appeals, Case No. 17-
15 10155.

16 2. The parties agree that the Defense Exhibit List filed after the March 27, 2017,
17 revocation hearing indicates Defense Exhibit B is omitted from the record though the Court
18 admitted the exhibit, and what was marked as Defense Exhibit G is included in the record
19 though the Court did not admit the exhibit.

20 3. The parties agree that the record should be corrected to provide the Ninth Circuit
21 an accurate record of the evidence admitted at the revocation hearing.

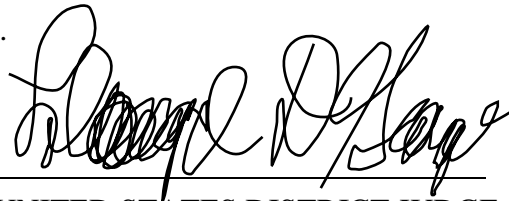
22 CONCLUSIONS OF LAW

23 Under Federal Rule of Appellate Procedure 10(e)(2)(A), the parties may stipulate to
24 correct the record if, by error or accident, anything material is omitted from or misstated in the
25 record. Defense Exhibit B is omitted from the record by error or accident, and what was marked
26 as Defense Exhibit G is included in the record by error or accident.

ORDER

IT IS THEREFORE ORDERED that the Defense Exhibit List (ECF No. 48) is amended to add Defense Exhibit B and remove Defense Exhibit G.

DATED this 25 day of May, 2017.

A handwritten signature in black ink, appearing to read "Lloyd D. George", written over a horizontal line.

UNITED STATES DISTRICT JUDGE

LLOYD D. GEORGE

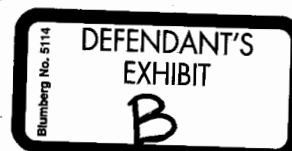
EXHIBIT B

EXHIBIT B

February 8, 2017

To Whom it May Concern,

I would like to formally submit my statement for the court case of Barry Benjamin Dooley disclosing all of the events that occurred in the nine months of our relationship. In the beginning he painted a picture for me that he was eager to move to the east coast with me and build a life with me and be close to his daughter in New Jersey but he has done absolutely nothing to work towards that goal and he actually went backwards and has proven that he is not only proud of his life of crime but he has no intentions of giving up such a sad delinquent lifestyle. The issues began when he moved out of the halfway house and rented a room in his friend Jesse's house. We spent our first night together there and all was well at first but quickly turned sour when I started noticing a change in his attitude and he was becoming angry and aggressive; so I decided that I wanted to get my belongings and take an Uber back to my mother's house where I was living at the time. When he realized I was leaving he stood up, pinned me against the wall by my arms and told me to take off all of my clothes and proceeded to try and remove them for me but I was fighting it. This continued for about 15-20 minutes before I heard Jesse and his girlfriend come home so I screamed at the top of my lungs telling Jesse to come into the room. Jesse suggested to Barry that he stop what he is doing and let me go. Barry then went into my purse and took my cell phone, debit/credit cards and my cash totaling \$1,800 and told me now I can go and "good luck leaving". Even though he took my things I tried to leave the house anyway and he grabbed me by the neck, forced me back into the room, threw me on the bed, got on top of me and wanted me to apologize to him for screaming and making a scene to his roommates by performing oral sex. Since I had no choice to leave I had to stay the night and he apologized in the morning and blamed what happened on how much alcohol he consumed and how many of his pain killers that he snorted. I told him that he needed to seek help and consider taking medication for his behavioral issues and of course he nodded and said yes but he never did anything about it. After this, the issues continued to worsen with both his anger and drug use to where myself, Jesse and Jesse's girlfriend noticed it. Barry would spend up to an hour at a time in the bathroom injecting his pain killers falling asleep on the toilet and the entire house could hear him snoring. On a daily basis myself and Jesse would have to bang on the bathroom door to wake him up. There were his used needles in the bathroom all the time, bloody tissues and blood stains on the bathroom rug. His anger became so bad that one night when Jesse and his girlfriend were arguing Barry decided to go involve himself in their argument when he had no business to and he punched Jesse for no reason at all so Jesse called the police and Barry got in the car and fled the house. Needless to say because of this incident Barry and I received a 30 day eviction notice. After moving out of Jesse's house November 4, 2016 we started renting a home from one of Barry's friends David located at 2709 E Brooks Ave, Las Vegas, NV 89030. This is pretty much when things went from bad to worse. He started to become involved with heavier drugs and even selling his prescription pain killers to someone named Tiana Christina (I am unsure of her last name but it may be Cordova as this is what her last name is on Facebook). He once again had used needles all over this house, used cotton balls he used to filter his IV drugs all over the floor, has track marks all over his arms and slept in the bathroom because he would pass out in there after injecting himself. He also began coming up with ways to scam the system when it



comes to money and it started with not paying his child support. He received a check for \$30,000 which apparently came from a car accident settlement he won. Whether this car accident was where the money came from I am not sure due to his habitual and compulsive lying but there was actually a \$30,000 check I saw and he knew he was getting so he told me that he was being extra nice to his daughters mother to get her to feel bad for him that he was broke coming out of prison to get her to remove the \$12,000 in back child support he owed her because he didn't want to have to give her that money out of the settlement. He never even deposited this check and instead he cashed it. The money was all spent in less than 30 days to support his drug habit and I begged him to get a normal job but he refused and continued to sell his prescription drugs amongst others including steroids, heroin and crystal meth. I also had a wedding ring from my estranged husband that I kept somewhere only Barry and I knew of and he stole it and then denied it so I'm assuming the money he pawned this for was also used for drugs. He became so desperate for money that he tried convincing me to take out a large loan and then file for bankruptcy after; he wanted me to apply for unnecessary credit cards. He is friends with AJ McLean from the backstreet boys and wanted me to seduce him, sleep with him and then extort AJ for money threatening to tell his wife if he didn't pay me. I've also found in his cell phone that he took pictures of my ID and Social Security card and emailed them to himself. As far as the violence goes it became so much worse than I was prepared for or even thought he was capable of. On one occasion he grabbed me by the neck and slammed me against the wall so hard that there is now a giant hole/indent in the bedroom wall of the house we were renting and he told me that I cannot leave him because he would beat me and cripple me so bad that no man would ever want me again. Another occasion he threw me onto the bed, got on top of me and put a knife to my neck telling me that he would kill me and he doesn't care if he gets caught for it and once again told me I have no choice to leave him because the only way out of my relationship with him would be for him to kill me. The most recent incident that happened was when we got into an argument and he picked up my cell phone throwing it full force at my face causing my lip to swell up and split open on the inside and then he also picked up a hammer and jabbed me with it in the face and kept pressing it against the side of my head resulting in a black eye. This argument began because I hung out with another guy and he was convinced that I had sexual relations with him so he took my phone and called him and told me to take off my clothes, get on my stomach on the bed and if he finds out that im lying he said "im going to fuck you in your ass". After this day he told me that I wasn't leaving him and that I needed to call off of work so that I couldn't escape from him and he monitored my phone use so I couldn't call anyone and I also wasn't allowed to leave the house because he didn't want anyone to see my face. During this time he also forced me to urinate into cups for him so that he could pass his drug tests for parole. He explained in complete detail to me that the way he gets away with this is he empties out a small bottle of hand sanitizer, duct tapes it to his genitals and when he goes in for the test he keeps his hand mostly covering himself and squeezes the bottle allowing the urine in the bottle to drip down he penis making it look like he is urinating. Later on this week on Thursday February 2, 2017 I noticed his hostility, aggression and anger quickly escalating so I went with my instincts and told him I was going to take a shower and I managed to sneak my cell phone with me. While in the bathroom I texted my best friend to call 911 and send them to 2709 E Brooks Ave, North Las Vegas, NV 89030 and tell them I was being held against my will. I had the shower running for approximately 15-20 minutes and there were still no officers to show up and I knew he was going to get suspicious and break into the bathroom so I continued to let the shower run while I slowly

and quietly opened the window above the shower, pop off the screen and jump out where I then ran down the street and hid behind a car until I saw the police cars arrive. I then walked over and let the officers know what happened, they took my statement, photos of my face and took Barry into custody. His drug abuse has escalated to such a level that between November when we moved into David's house and now he has been to the hospital approximately four times. He told his parole officer that he was out of town for the holidays but in reality he never left town for any reason at all and he did not go to the hospital for muscle tendinitis. The reason for his week-long hospital visit was because of an infection that was caused by IV drug use. Towards the end of January 2017 he made another hospital visit with another arm infection up in the crease of his arm on the inside of his elbow also because of injecting himself with crystal meth. He continuously lies and makes up excuses to his parole officer claiming that he accidentally missed calling the drug testing hotline and missed showing up for the testing because he uses baking soda and other forms of detox's to try and clean out his system and sometimes he drinks so much water before testing on purpose so the levels come back too low. He was doing this up until the last two weeks of January and first week of February when he started forcing me to urinate in cups for him because he realized he couldn't get away with lying to his parole officer anymore and he couldn't keep having his levels come back that low from drinking water.

Regards,

Krista Fiumefreddo
Krista Fiumefreddo

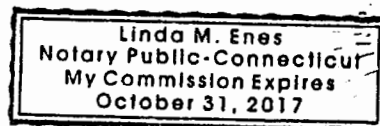
State of Connecticut

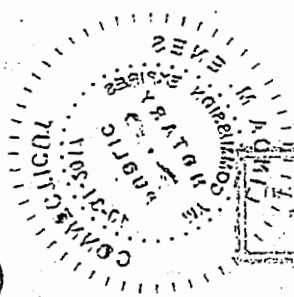
County of Fairfield

On this, the 8 day of February 2017, before me a notary public, the undersigned officer, personally appeared Krista Fiumefreddo, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

In witness hereof, I hereunto set my hand and official seal.

Linda M. Enes
Notary Public





Linda M. Evers
Notary Public - Connecticut
My Commission Expires
October 31, 2017